REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action mailed October 29, 2007, applicants provisionally elect XAD-4, with traverse. Applicants believe that all of the claims read on the elected species.

The grounds for traverse are that the lack of unity determination is improper as a matter of law. As the Examiner is aware, unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371. The Examiner is also aware that the present application is a national stage application. Thus, in imposing a restriction or election of species requirement, the question is whether the claims lack unity of invention.

Pursuant to MPEP 1893.03 (d), when making a lack of unity of invention requirement, the Patent Office must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

In doing so, the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or

national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 provides that the expression "special technical features" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. Thus, the requirement is art-based.

As no such citation has been provided by the Patent Office, applicants respectfully submit that the lack of Unity determination is improper as a matter of law.

Furthermore, whether the Patent Office provides a citation or not, applicants believe that the election imposed by the Patent Office does not accurately reflect the nature of the invention. Indeed, the resins identified by the Patent Office are all copolystyrenic resins that are used for the same purpose. As a result, applicants believe that a search an examination of all of the resins fails to place an undue burden on the Patent

Office, especially in light of the fact that the Examiner has the benefit of the International Search Report.

In view of the above, applicants respectfully request a search and examination of the claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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